

REMARKS

The Applicants have carefully reviewed the Office Action mailed October 18, 2006 and offer the following remarks to accompany the above amendments.

The Patent Office objected to the language “adapted to” as noted therein. As shown above, the Applicants have amended the claims to include the language “configured to.” Accordingly, the Applicants request that the objection be withdrawn.

The Patent Office objected to claims 49, 55, 56, and 68 for informalities. As shown above, the Applicants have amended these claims to overcome the objections and respectfully request that the objections be withdrawn.

In addition, the Patent Office indicated that should claims 49 and 62 be found allowable, claims 55, 56, 67, and 68 would be objected to under 37 C.F.R. § 1.75 as being a substantial duplicate thereof. The Applicants respectfully submit that should claims 49 and 62 be found allowable, claims 55, 56, 67, and 68 should not be objected to under 37 C.F.R. § 1.75.

According to Chapter 706.03(k) of the M.P.E.P., “Inasmuch as a patent is supposed to be limited to only one invention or, at most, several closely related indivisible inventions, limiting an application to a single claim, or a single claim to each of the related inventions might appear to be logical as well as convenient. However, court decisions have confirmed applicant’s right to restate (i.e., by plural claiming) the invention in a reasonable number of ways. Indeed, a mere difference in scope between claims has been held to be enough.” The Applicants submit that there is a difference in claim scope between claims 55, 56, 67, and 68 when compared to claims 49 and 62. For example, claim 55 recites the following: “add audio segments to the audio package in the centralized database,” “delete audio segments from the audio package in the centralized database,” and “lock the audio package in the centralized database.” Claim 67 includes similar features, albeit in method format. The Applicants submit that these features are not recited in claims 49 and 62.

Claim 56 recites the feature of “wherein said audio package builder/export tool is further configured to track a version number of any audio package created with the audio package builder/export tool.” Claim 68 includes similar features, albeit in method format. The Applicants submit that neither claim 49 nor claim 62 include this feature. Thus, for at least these reasons, claims 55, 56, 67, and 68 have a different scope than claims 49 and 62.

Claims 48-58, 71, and 72 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Applicants traverse the rejection. In maintaining the rejection, the Patent Office indicates that instead “of identifying the physical structure of the system in terms of...hardware and software combination as set forth in MPEP 2106 (IV)(B)(2)(a). The system of claims 48-58 comprises software per se.”¹ The Applicants disagree. More specifically, the claims include both software and hardware. For example, each of the claims recites a gateway, which, as defined in the Specification, is an external device, such as hardware.² Thus, the present claims recite both hardware and software, which, as the Patent Office points out, is statutory subject matter. As such, the Applicants request that the rejection be withdrawn.

Claims 49, 55, 62, and 67 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. As illustrated above, the Applicants have amended claims 49, 55, 62, and 67 and submit that, as amended, these claims overcome the rejection under 35 U.S.C. § 112, second paragraph. The Applicants respectfully request that the rejection be withdrawn.

Claims 55, 56, 67, and 68 were rejected under 35 U.S.C. § 102(a) as being anticipated by “A Syntax for the MGCP Audio Package” by *Cromwell* (hereinafter “*Cromwell*”). The Applicants respectfully traverse the rejection.

According to Chapter 2131 of the M.P.E.P., in order to anticipate a claim under 35 U.S.C. § 102, “the reference must teach every element of the claim.” The Applicants respectfully submit that *Cromwell* does not disclose each and every element recited in claims 55, 56, 67, and 68. Accordingly, *Cromwell* cannot anticipate these claims.

Claim 55 recites a system for use in a telecommunications network comprising, among other features, constructing “an index file within the audio package that indicates to the gateway where an audio segment may be located in the audio package.” Claim 67 includes similar features, albeit in method format. The Applicants respectfully submit that *Cromwell* does not disclose an index file that indicates to a gateway where an audio segment may be located in an audio package. In maintaining the rejection, the Patent Office indicated that an Announcement

¹ See Office Action mailed October 18, 2006, p. 4.

² See Specification, page 7, ll. 15-18.

Server Package includes an event file.³ Furthermore, the Patent Office appears to equate the event file to an index file and appears to equate the Announcement Server Package with an audio package.⁴ While the Announcement Server Package does in fact include the event file, the Applicants respectfully submit that even if one were to somehow equate the event file with an index file and if one were to somehow equate the Announcement Server Package with an audio package, points which the Applicants are not conceding, the event file does not indicate to a gateway where an audio segment may be located in an audio package, as recited in claim 55. In fact, *Cromwell* does not disclose that the event file indicates the location of the Announcement Server Package.

Claim 55 also recites that the audio package is exported to a gateway. Claim 67 includes similar features, albeit in method format. The Applicants submit that *Cromwell* does not disclose exporting an audio package to a gateway. In maintaining the rejection, the Patent Office states that *Cromwell* discloses this feature at pages 12 and 13.⁵ The Applicants respectfully disagree. While the cited portions of *Cromwell* do disclose receiving return parameters in response to sent audio data, nowhere does *Cromwell* disclose that the audio data was exported to a gateway, as recited in claim 55. Therefore, for this reason and the reason noted above, *Cromwell* does not disclose all the features recited in claims 55 and 67 and the Applicants respectfully request that the rejection be withdrawn.

Claim 56 recites a system for use in a telecommunications network comprising, among other features, constructing “an index file within the audio package that indicates to the gateway where an audio segment may be located in the audio package.” Claim 56 also recites that the audio package is exported to a gateway. Claim 68 recites features similar to both of these, albeit in method format. As discussed above, *Cromwell* does not disclose these features.

Additionally, claim 56 recites tracking “a version number of any audio package created with the audio package builder/export tool.” Claim 68 includes similar features. The Applicants respectfully submit that *Cromwell* does not disclose tracking a version number of an audio package. In maintaining the rejection, the Patent Office indicates that “the Announcement Package is assigned a Package Name as a version number, which can be tracked.”⁶ The

³ See Office Action mailed October 18, 2006, p. 8.

⁴ See Office Action mailed October 18, 2006, p. 8.

⁵ See Office Action mailed October 18, 2006, p. 8.

⁶ See Office Action mailed October 18, 2006, p. 10.

Applicants respectfully disagree. While *Cromwell* does disclose that the Announcement Server Package includes a Package Name A, *Cromwell* does not disclose that the Package Name A may be used to track the Announcement Server Package. Furthermore, this feature is not inherent.

According to Chapter 2112 of the M.P.E.P., the fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency. Furthermore, in order to establish inherency, the Patent Office must show that the missing characteristic necessarily flows from the prior art. The Patent Office has not established that as the Announcement Server Package includes the Package Name A, it necessarily flows that the Package Name A is used to track the Announcement Server Package. In fact, it does not necessarily flow that the Package Name A is used to track the Announcement Server Package. For example, the Package Name A may have any number of uses, such as a means of differentiating one Announcement Server Package from another Announcement Server Package, or the like. Accordingly, for this additional reason, *Cromwell* does not disclose all the features recited in claims 56 and 68 and the Applicants respectfully request that the rejection be withdrawn.

Claims 48-54, 57, 58, 60-66, and 69-72 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Cromwell* in view of U.S. Patent No. 6,249,784 to *Macke et al.* (hereinafter “*Macke*”). The Applicants traverse the rejection.

According to Chapter 2143.03 of the M.P.E.P., in order to “establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” The Applicants respectfully submit that none of the cited references, either singularly or in combination, disclose or suggest all the features recited in claims 48-54, 57, 58, 60-66, and 69-72. To further illustrate, claim 49 recites a system for use in a telecommunications network comprising, among other features, constructing “an index file within the audio package that indicates to the gateway where an audio segment may be located in the audio package.” Claim 49 also recites exporting an audio package to a gateway. Claim 62 includes similar features. As discussed above, *Cromwell* does not disclose these features. In addition, *Macke* does not disclose these features.

Furthermore, claim 49 recites mapping an audio identifier of the audio segment to “an offset and length of the audio segment” within the audio package. Claim 62 includes similar features, albeit in method format. The Applicants submit that *Cromwell* does not disclose

mapping an audio identifier of an audio segment to an offset and length of the audio segment. Similarly, *Macke* does not disclose this feature. In maintaining the rejection, the Patent Office indicates that *Macke* discloses building an index file “comprising length and offset of each database element.”⁷ While *Macke* does disclose building an index file where each entry in the index file comprises an offset and a length, the Applicants submit that *Macke* does not disclose mapping an identifier of an audio segment to an offset and a length of an “audio segment.”⁸ Furthermore, *Cromwell* makes no mention of an offset and a length of an audio segment nor mapping an audio identifier of an audio segment to an offset and length of the audio segment. Therefore, none of the cited references, either singularly or in combination, disclose or suggest all the features recited in claims 49 and 62 and the Applicants request that the rejection be withdrawn. Likewise, claims 48, 50, 52-54, 57, 58, 60, 61, 63-66, and 69-72, which variously depend from either claim 49 or claim 62, are patentable for at least the same reasons.

Claim 51 recites that the system “is configured to operate on a provisioning server.” Neither *Cromwell* nor *Macke* disclose that the system is configured to operate on a provisioning server. In maintaining the rejection, the Patent Office indicates that *Cromwell* discloses this feature in the introduction. The Applicants respectfully disagree. More specifically, *Cromwell* does not disclose a provisioning server in the cited portion of the reference. Thus, it follows that *Cromwell* cannot disclose a system which is configured to operate on a provisioning server. *Macke* also fails to disclose or suggest this feature. Therefore, in addition to the reasons noted above, claim 51 is patentable over the cited references for this additional reason.

The present application is now in condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact Applicants’ representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

⁷ See Office Action mailed October 18, 2006, p. 13.

⁸ See *Macke*, col. 32, ll. 63-65.

Respectfully submitted,

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